



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,171	01/28/2005	Yasuji Yui	450100-14748	6500

7590

10/02/2006

William S. Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

TRIEU, VAN THANH

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

st

Office Action Summary	Application No.	Applicant(s)	
	10/523,171	YUI ET AL.	
	Examiner	Art Unit	
	Van T. Trieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/28/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract filed on 28 January 2005 should have only a single paragraph, and should not including the phraseology phrase such as "means", and should not containing more than 150 words.

Correction is required. See MPEP § 608.01(b).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Art Unit: 2612

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

2. The disclosure is objected to because of the following informalities: in the Specification filed on 28 January 2005, in page 3, the phrase "Disclosure of Invention" should change to the section heading as shown in (g) above; and in page 11, the phrase "Best Mode for Carrying out the Invention" should change to the section heading as shown (i) above.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2612

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Stobbe** [US 6,624,739].

Regarding claim 1, the claimed a communication apparatus, comprising: first communication means for communicating with an electronic key device in which at least electronic key information is stored (the reader 28 communicates with a portable/mobile transponder 36 for authorization codes and other biometric data information stored in the memory 46, see Figs. 1 and 2, col. 2, lines 22-48, col. 5, lines 21-31 and col. 6, lines 7-17); and

second communication means for transmitting information through a communication network (the reader 28 and/or biometric sensor 32 transmits authorization codes and biometric data to a code-evaluation device 16 or central computer 18 over the exiting network 26 or special network 42, see Fig. 1, col. 2, lines 41-44, col. 5, lines 45-67 and col. 6, line 1);

a storage section for storing electronic key information (the control stations 10, 12, 14 comprise memories for storing authorization codes and biometric data, and the recording computer 40, see Fig. 1, col. 5, lines 1-37);

door lock control means for comparing the electronic key information received from said electronic key device through the first communication means and the electronic key information stored in the storage section with each other and controlling a

Art Unit: 2612

lock apparatus for a door based on the result of the comparison (the door opener 24, see Fig. 1, col. 2, lines 38-56, col. 3, lines 1-15, col. 5, lines 7-56);

user recognition means for recognizing a user of the electronic key device based on the information received from the electronic key device through the first communication means (the control logic 50 compares the biometric characteristics recorded by the sensor 30, 32, 34 for matching with the stored biometric data and stored authorization code to be transmitted to the reader 28, see Figs. 1 and 2, col. 5, lines 45-53 and col. 6, lines 7-17);

sender control means for controlling based on the result of the recognition by the user recognition means so that information regarding passing in/out of the user of the electronic key device is transmitted to a notification destination determined in advance through the second communication means (the local control stations 10, 12, 14 is comparing to match the authorization code and positive biometric data with stored one, then transmit the data information to the code-evaluation device 16 over the exiting network 26 or to central computer 18 over the special network 42, see Fig. 1, col. 5, lines 45-67 and col. 6, line 1).

Regarding claim 2, the claimed setting storing means for accepting and storing setting of the user of the electronic key device with regard to whom information regarding the passing in/going out is can be transmitted to the notification destination and the sender control means transmitting information regarding passing in/out of the set user of the electronic key device to the notification destination through the second communication

Art Unit: 2612

means (the central computer 18 arranges for the data sets to be forwarded to selected control stations 10, 12, 14 over exiting networks 26 for storing the data sets to the memory of respective control station, see Fig. 1, col. 5, lines 25-44).

Regarding claim 7, the claimed electronic key information is formed from identification information with which the user of the electronic key device can be identified (the authorization code identification and the user recognition means recognizes the user of the electronic key device who comes in/goes out through the door based on the electronic key information received from the electronic key device (the control logic 50 compares the biometric characteristics recorded by the sensor 30, 32, 34 for matching with the stored biometric data and stored authorization code to be transmitted to the reader 28, see Figs. 1 and 2, col. 5, lines 45-53 and col. 6, lines 7-1).

Regarding claim 8, the claimed electronic key information is identification information allocated and unitarily managed so that the same electronic key information may not exist, the communication apparatus further comprises a personal information storage section for storing personal information with which an owner of the electronic key device can be specified corresponding to the electronic key information and means for comparing the electronic key information received from the electronic key device and the electronic key information stored in said storage section with each other and managing coming in/going out of the owner of the electronic key device through the door based on the result of the comparison, and the user recognition means recognizes

Art Unit: 2612

the user of the electronic key device who comes in/goes out through the door based on the electronic key information received from the electronic key device (a person holding the carried transponder 36 in the field of reader 28 at door 20 and also enabling the biometric data to be recorded by the sensor of recording device 30. With a positive comparison of the biometric characteristics to the stored biometric data and additional matching authorization code, which are transmitted to the code-evaluation device 16 and/or central computer 18, which activates door opener 24, when accessed is permitted, see Fig. 1, col. 5, lines 32-65).

Conclusion

The prior arts fails to disclose the sender control means controls, if the set user of the electronic key device is not recognized by the user recognition means even after the time corresponding to the time information of the setting input elapses, information regarding that passing in/out of the user of the electronic key device does not occur is transmitted to the notification destination through the second communication means.

4. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saliga discloses a system including a central computer to issue one or more time-dependent linking codes that are stored in a memory in a door key from whence the

Art Unit: 2612

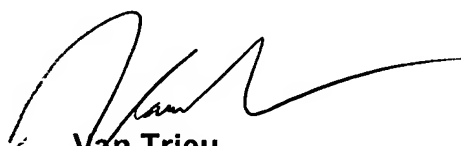
codes are relayed to an access regulating device or door lock that permits a user access if a stored link code matches a current access code. [US 5,397,884]

Yasukura discloses an authentication card system comprising biological individually data for use in distinguishing the individuality of a user are picked up, and a user authentication card with at least part of the biological individual data recorded thereon is issued. [US 6,990,588]

DeLaHuerga discloses an information system network and method for remotely gathering biometric information such as fingerprint characteristics and storing the biometric information at specific network memory locations for easy access a door. [US 6,779,024] and [US 6,408,330]

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Mike Horabik** can be reached on (571) 272-3068.



Van Trieu
Primary Examiner
Date: 9/25/06